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MINISTRY OF LAW

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THE PATIALA AND EAST PUNJAB STATES UNION LIVE-STOCK IMPROVEMENT ACT, 1954

No. 5 OF 1954

[23rd January, 1954]

An Act to provide for the improvement of Live-stock.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Live-stock Improvement Act, 1954.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) Sections 1 and 2 shall come into force at once and the remaining provisions shall come into force in such areas and on such dates as the State Government may, by notification in the Official Gazette, specify; and the Nagar Sabha of any area or the Live-stock Expert or any other person interested may, by a written application, move the State Government to take action under this sub-section.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “cow” includes a heifer;

(b) “licence” means a licence granted under section 5;

(c) "Live-stock Expert" means the officer appointed by the State Government under section 3 to be the Live-stock Expert for the State of Patiala and East Punjab States Union;

(d) "Live-stock Officer" means an officer appointed as such under section 3 and includes the Live-stock Expert;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "a person is said to keep a bull", if such person owns the bull or has the bull in his possession or custody.

3. Appointment of Live-stock Expert and Live-stock Officer.—The State Government may, by notification in the Official Gazette, appoint a person to be the Live-stock Expert for the State of Patiala and East Punjab States Union and may also appoint any officer of the civil veterinary department to be a Live-stock Officer and assign to such officer such powers and duties under this Act as may be specified in such notification.

4. Prohibition of keeping bull for breeding purposes.—No person shall keep for breeding purposes a bull which has attained the prescribed age except under and in accordance with the terms and conditions of a licence granted under section 5.

5. Grant of licence.—A licence for keeping a bull shall be granted by the Live-stock Officer in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed:

Provided that no fee shall be charged for the grant of such licence,

6. Refusal to grant or revocation of licence.—(1) Subject to the rules made under this Act, the Live-stock Officer may refuse to grant a licence for keeping a bull or revoke any such licence, if in his opinion the bull appears to be—

(a) of defective or inferior conformation and likely to beget defective or inferior progeny;

(b) permanently affected with any contagious or infectious disease; or

(c) permanently affected with any other disease rendering the bull unsuitable for breeding purposes.

(2) The Live-stock Officer may also revoke a licence, if in his opinion any breach of any of the terms or conditions of the licence has been committed.

(3) No person shall be entitled to any compensation on the revocation of a licence under sub-section (1) or sub-section (2).

(4) If a licence is revoked under sub-section (1) or sub-section (2) the Live-stock Officer shall give notice of such revocation to the owner or the person stated therein to be the owner of the bull stating therein the grounds of revocation.

(5) If the notice is duly given in accordance with the last foregoing sub-section to a person, who is not the owner of, but has in his possession or custody, the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner accordingly, and if he fails to do so, he shall indemnify the owner against any loss the owner may suffer by reason of the failure.

7. Grant of duplicate licence.—If the Live-stock Officer is satisfied that a licence granted under section 5 has been lost or destroyed, he may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereof, and thereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

8. Duration of licence.—A licence granted in respect of a bull shall remain in force until—

- (a) the period specified therein expires, or
- (b) it is revoked, or
- (c) the bull dies or is castrated in the prescribed manner.

9. Inspection of bulls.—Any person who keeps a bull shall at any reasonable time, either at the place where the bull is for the time being or at such other place as the Live-stock Officer may, from time to time, direct submit the bull for inspection by the Live-stock Officer when required by such officer to do so and render all reasonable assistance to that officer for the purposes of inspection.

10. Power to order castration of bulls.—(1) The Live-stock Officer may, by notice served in the prescribed manner on the owner or other person keeping the bull, require that any bull, which has attained the prescribed age at the date when the notice is served and in respect of which no licence is for the time being in force under this Act, shall be castrated in the prescribed manner within one month after the notice takes effect.

(2) Such castration shall, if the owner or other person who keeps the bull requires, be performed or caused to be performed by the Live-stock Officer free of charge.

(3) If a notice under this section is duly served on a person who is not the owner of but has in his possession or custody the bull it shall be the duty of such person forthwith to take all reasonable steps to inform the owner accordingly, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may suffer by reason of the failure.

11. Duty to produce licence.—It shall be the duty of every person who for the time being keeps a bull in respect of which a licence is in force to produce the licence—

- (a) within a reasonable time on demand made by the Live-stock Officer or any officer of the veterinary department authorised by general or special order by the State Government in this behalf in any place where the bull is for the time being;

(b) before a cow is served by a bull on demand made by the person in-charge of the cow.

12. Penalty for keeping a bull in contravention of this Act or rules.—Whoever, in contravention of this Act or of any rule or order made under this Act or of any of the terms, conditions or restrictions of a licence keeps a bull shall, on conviction, be punishable with fine which may extend to twenty-five rupees, and in the case of a continuing contravention, with a fine which may extend to two rupees for every day after the date of first conviction during which the contravention is continued.

13. Penalty for neglect or failure to comply with notice under section 6 or 10.—Whoever neglects or fails to comply with a notice served in accordance with section 6 or section 10 shall, on conviction, be punishable with fine which may extend to twenty-five rupees.

14. Penalty for neglect or failure to comply with requisition under section 9 or 11.—Whoever neglects or fails to submit a bull for inspection when required by the Live-stock Officer for inspection under section 9 or whoever fails to produce a licence when required to do so in accordance with the provisions of section 11 shall, on conviction, be punishable with fine which may extend to twenty-five rupees.

15. Power of Live-stock Officer to castrate.—whenever an offence under section 14 has been committed, or whenever any bull has not been castrated in compliance with the notice served under section 10, it shall be competent for the Live-stock Officer—

(1) to castrate or cause to be castrated in the prescribed manner and free of charge the bull in respect of which such offence was committed or such notice was served, as the case may be;

(2) to seize any bull, if the person, in whose ownership, possession or custody, the bull for the time being is, is not known or cannot be ascertained after an inquiry in the prescribed manner, and on such seizure, if he is of opinion that such bull has attained the prescribed age or is suffering from any of the defects or diseases specified in section 6 to direct that the said bull be—

(a) castrated in the prescribed manner, and

(b) sold by public auction or sent to a Pinjrapol:

Provided that if the owner of the said bull appears within fifteen days of such seizure and proves to the satisfaction of the Live-stock Officer that the said bull is of his ownership; the said bull—

(i) if not sold by public auction, or

(ii) if sent to a Pinjrapol,

shall be delivered to such owner on payment of the expenses incurred for the maintenance of the said bull and determined in the prescribed manner, or

(iii) if sold by public auction, the proceeds of such sale shall be paid to such owner after deducting therefrom the expenses incurred for the maintenance and sale of the said bull and determined in the prescribed manner.

16. Power of Live-stock Officer to inspect or mark a bull or to enter premises.—For the purposes of this Act, the Live-stock Officer shall have power at all reasonable times—

- (a) to inspect any bull,
- (b) to mark any bull with the prescribed mark in the prescribed manner,
- (c) to enter any premises or other place in the prescribed manner where he has reason to believe that a bull is kept.

17. Officers bound to assist Live-stock Officer.—Every village officer or officer of the departments of Revenue, Agriculture and Veterinary shall be bound—

- (a) to give immediate information to the Live-stock Officer of the commission of any offence, or the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;
- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about to be committed; and
- (c) to assist the Live-stock Officer in carrying out the provisions of this Act.

18. Cognizance of offence under this Act.—No court shall take cognizance of any offence under this Act, except on a complaint made by the Live-stock Officer or any person authorised by such officer in that behalf.

19. Live-stock Officer to be public servant.—The Live-stock Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860)

20. Protection of persons acting in good faith and limitations of suits and prosecutions.—(1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or rules made thereunder.

(2) No suit shall be instituted against Government and no prosecution or suit shall lie against any Live-stock Officer in respect of anything done or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

21. Revision.—(1) The State Government may call for and examine the record of any order or proceedings of the Live-stock Officer for the purpose of satisfying itself as to the legality and propriety thereof.

(2) If in any case it appears to the State Government that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

22. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for—

(a) the age of a bull after which it shall not be kept without a licence for breeding purposes,

(b) the form of the manner in which, the terms, conditions and the restrictions subject to which, a licence shall be granted, transferred or renewed,

(c) the conditions subject to which a licence may be revoked,

(d) the manner in which notices shall be served,

(e) the conditions subject to which a duplicate licence may be granted,

(f) the manner in which a bull shall be castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and the expenses for the maintenance and sale of a bull shall be determined,

(g) the manner and form in which a bull shall be marked and the manner in which the Live-stock Officer shall enter any premises or other place.

(3) Rules made under this section shall be subject to the condition of previous publication.

23. Power of Government to apply the provisions of this Act to buffalo-bulls.—The State Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act which have been extended to any village shall apply to buffalo-bulls in such village from the date specified in such notification, and thereupon references to bulls and cows in this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

REASONS FOR THE ENACTMENT

There is at present no law in force in Patiala and East Punjab States Union, as in other States, providing for the licensing of bulls kept for breeding purposes or for the compulsory castration of bulls

which are likely to beget inferior or defective progeny or which are permanently affected by infectious or contagious diseases. Such a law is essential in the interests of improving the live-stock in the State. Hence the present Bill.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.

